

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 639**

Introduced by Schrock, 38

Read first time January 22, 2003

Committee: Appropriations

A BILL

1 FOR AN ACT relating to state funds; to amend sections 39-2215 and  
2 81-15,174, Revised Statutes Supplement, 2002; to transfer  
3 money from the Highway Trust Fund to the Nebraska  
4 Environmental Trust Fund; to harmonize provisions; and to  
5 repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 39-2215, Revised Statutes Supplement,  
2   2002, is amended to read:

3           39-2215. (1) There is hereby created in the state  
4   treasury a special fund to be known as the Highway Trust Fund.

5           (2) All funds credited to the Highway Trust Fund pursuant  
6   to sections 66-4,140, 66-4,147, 66-669, and 66-6,108, and related  
7   penalties and interest, shall be allocated as provided in such  
8   sections. The State Treasurer shall make the transfer to the  
9   General Fund required by section 66-499.

10          (3) All other motor vehicle fuel taxes, diesel fuel  
11   taxes, compressed fuel taxes, and alternative fuel taxes related to  
12   highway use retained by the state, all motor vehicle registration  
13   fees retained by the state other than those fees credited to the  
14   State Recreation Road Fund pursuant to section 60-302, and other  
15   highway-user taxes imposed by state law and allocated to the  
16   Highway Trust Fund, except for the proceeds of the sales and use  
17   taxes derived from motor vehicles, trailers, and semitrailers  
18   credited to the fund pursuant to section 77-27,132, are hereby  
19   irrevocably pledged for the terms of the bonds issued prior to  
20   January 1, 1988, to the payment of the principal, interest, and  
21   redemption premium, if any, of such bonds as they mature and become  
22   due at maturity or prior redemption and for any reserves therefor  
23   and shall, as received by the State Treasurer, be deposited in the  
24   fund for such purpose.

25          (4) Of the money in the fund specified in subsection (3)  
26   of this section which is not required for the use specified in such  
27   subsection, (a) an amount equal to three dollars times the number  
28   of motorcycles registered during the previous month shall be placed

1 in the Motorcycle Safety Education Fund, (b) an amount to be  
2 determined annually by the Legislature through the appropriations  
3 process may be transferred to the Motor Fuel Tax Enforcement and  
4 Collection Cash Fund for use as provided in section 66-738 on a  
5 monthly or other less frequent basis as determined by the  
6 appropriation language, (c) an amount to be determined annually by  
7 the Legislature through the appropriations process shall be  
8 transferred to the License Plate Cash Fund as needed to meet the  
9 current obligations associated with the manufacture of license  
10 plates and stickers or tabs provided for in sections 60-311,  
11 60-311.02, and 60-1804, as certified by the Director of Motor  
12 Vehicles, ~~and~~ (d) three million dollars shall be transferred to the  
13 Nebraska Environmental Trust Fund in each of fiscal years 2003-04  
14 and 2004-05, and (e) the remaining money may be used for the  
15 purchase for retirement of the bonds issued prior to January 1,  
16 1988, in the open market.

17 (5) The State Treasurer shall monthly transfer, from the  
18 proceeds of the sales and use taxes credited to the Highway Trust  
19 Fund and any money remaining in the fund after the requirements of  
20 subsections (2) through (4) of this section are satisfied, (a)  
21 thirty thousand dollars to the Grade Crossing Protection Fund, (b)  
22 the amount calculated pursuant to section 13-1210 for financing the  
23 operating costs of public transportation systems to the Highway  
24 Cash Fund, and (c) each month beginning October 2002 through June  
25 2003, one million six hundred thousand dollars to the Cash Reserve  
26 Fund.

27 (6) Except as provided in subsection (7) of this section,  
28 the balance of the Highway Trust Fund shall be allocated

1 fifty-three and one-third percent, less the amount provided for in  
2 section 39-847.01, to the Department of Roads, twenty-three and  
3 one-third percent, less the amount provided for in section  
4 39-847.01, to the various counties for road purposes, and  
5 twenty-three and one-third percent to the various municipalities  
6 for street purposes. If bonds are issued pursuant to subsection  
7 (2) of section 39-2223, the portion allocated to the Department of  
8 Roads shall be credited monthly to the Highway Restoration and  
9 Improvement Bond Fund, and if no bonds are issued pursuant to such  
10 subsection, the portion allocated to the department shall be  
11 credited monthly to the Highway Cash Fund. The portions allocated  
12 to the counties and municipalities shall be credited monthly to the  
13 Highway Allocation Fund and distributed monthly as provided by law.  
14 Vehicles accorded prorated registration pursuant to section  
15 60-305.09 shall not be included in any formula involving motor  
16 vehicle registrations used to determine the allocation and  
17 distribution of state funds for highway purposes to political  
18 subdivisions.

19 (7) If it is determined by December 20 of any year that a  
20 county will receive from its allocation of state-collected highway  
21 revenue and from any funds relinquished to it by municipalities  
22 within its boundaries an amount in such year which is less than  
23 such county received in state-collected highway revenue in calendar  
24 year 1969, based upon the 1976 tax rates for highway-user fuels and  
25 registration fees, the Department of Roads shall notify the State  
26 Treasurer that an amount equal to the sum necessary to provide such  
27 county with funds equal to such county's 1969 highway allocation  
28 for such year shall be transferred to such county from the Highway

1 Trust Fund. Such makeup funds shall be matched by the county as  
2 provided in sections 39-2501 to 39-2510. The balance remaining in  
3 the fund after such transfer shall then be reallocated as provided  
4 in subsection (6) of this section.

5 (8) The State Treasurer shall disburse the money in the  
6 Highway Trust Fund as directed by resolution of the commission.  
7 All disbursements from the fund shall be made upon warrants drawn  
8 by the Director of Administrative Services. Any money in the fund  
9 available for investment shall be invested by the state investment  
10 officer pursuant to the Nebraska Capital Expansion Act and the  
11 Nebraska State Funds Investment Act and the earnings, if any,  
12 credited to the fund.

13 Sec. 2. Section 81-15,174, Revised Statutes Supplement,  
14 2002, is amended to read:

15 81-15,174. The Nebraska Environmental Trust Fund is  
16 created. The fund shall be maintained in the state accounting  
17 system as a cash fund. Except as otherwise provided in this  
18 section, the fund shall be used to carry out the purposes of the  
19 Nebraska Environmental Trust Act, including the payment of  
20 administrative costs. Money in the fund shall include proceeds  
21 credited pursuant to section 9-812, ~~and~~ proceeds designated by the  
22 board pursuant to section 81-15,173, and funds transferred under  
23 section 39-2215. Any money in the fund available for investment  
24 shall be invested by the state investment officer pursuant to the  
25 Nebraska Capital Expansion Act and the Nebraska State Funds  
26 Investment Act.

27 The State Treasurer shall transfer two million five  
28 ~~hundred eighty-five thousand dollars~~ from the Nebraska

1 ~~Environmental Trust Fund to the Department of Natural Resources~~  
2 ~~Interstate Water Rights Cash Fund within five days after August 16,~~  
3 ~~2002.~~

4           The State Treasurer shall transfer two hundred  
5 ~~twenty-five thousand nine hundred twenty-nine dollars from the~~  
6 ~~Nebraska Environmental Trust Fund to the Low-Level Radioactive~~  
7 ~~Waste Cash Fund within five days after August 16, 2002.~~

8           Sec. 3. Original sections 39-2215 and 81-15,174, Revised  
9 Statutes Supplement, 2002, are repealed.